

HTH

COURT

for the Northern District of Illinois.

9-6-2010

John Harper  
Plaintiff

No. 09CV0878

VS

C.O. Davis et al  
Defendant

Judge William H. Gibbler

FILED

SEP 13 2010

9-13-2010

MICHAEL W. DOBBINS  
CLERK U.S. DISTRICT COURT

Second motion for compell.

Exhibit-4

Requests to Defendants.

Frist and Second Request.

Request No.1 I need all iaks for, for  
Discovery, not objection.

Request No.2 I need all iaks for,  
for Discovery., not objection.

Request No.3 I Need all iaks for,  
for Discovery., not objection.

Request No.4 I Need all iaks for, for  
Discovery, not objection.

I am aks for Mac Doe name and  
Stars number, she works That cook  
County Jail

Second.  
I Sent <sup>1</sup> motion for compell to  
State's Attorney of cook county for Discovery  
matter, I Need.

I John Harper Swear under Penity of Perjury  
That I service 1 copy of the attached Document  
to the Clerk at the Pinckneyville Correction Center  
9-6-2010

John Harper

**LOEJV & LOEJV**

ATTORNEYS AT LAW

Jon Loevy  
Michael Kanovitz  
Russell Ainsworth  
Samantha Liskow  
Mark Loevy-Reyes  
Gayle Horn  
Tara Thompson  
Roshna Bala Keen  
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Arthur Loevy  
Danielle Loevy  
Elizabeth Wang  
Daniel Twetten

*Of Counsel:*  
Julie Thompson  
Cindy Tsai  
Aaron Mandel  
Robin Price  
Michaele Turnage-Young

April 2  
March 9, 2010

**Exhibit - A**

**CONFIDENTIAL LEGAL CORRESPONDENCE**

John Harper  
Register No. N-51944  
Pinckneyville Correctional Center  
Pinckneyville, IL 62274

*Re: Your request for legal representation*

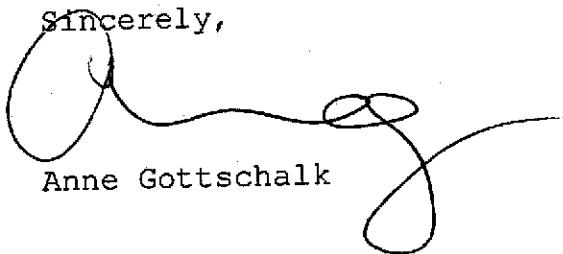
Dear Mr. Harper:

This letter is to inform you that after reviewing your file, we are unfortunately unable to take your case.

Please be advised that there are time limitations that govern the period in which a claim or lawsuit may be filed. Such time periods depend on the cause of action you may wish to pursue. We encourage you to follow up with other attorneys immediately to ensure that all legal rights are fully explored and protected.

We appreciate your decision to contact us, and wish you the best of luck in pursuing your claims.

Sincerely,

  
Anne Gottschalk

UPTOWN PEOPLE'S LAW CENTER  
4413 NORTH SHERIDAN • CHICAGO, IL 60640  
773 • 769 • 1411 FAX 773 • 769 • 2224

Exhibit - B

December 29, 2008

**PRIVILEGED LEGAL COMMUNICATION**

John Harper  
Reg. No. N51944  
Pinckneyville Correctional Center  
5835 State Route 154  
P.O. Box 999  
Pinckneyville, Illinois 62274

Dear Mr. Harper:

We are in receipt of your letter in which you allege that excessive force was used against you at the Cook County Department of Corrections. We are investigating your claims, to help us in this process we will need the following information.

Please list each occurrence as it happened and be date specific, in other words the date on which each alleged assault against you took place and what happened. Also, we will need a copy of any grievances you filed and responses. Please be mindful that before you can proceed with your claims in the federal Court, you must first exhaust your administrative remedies through the grievance process.

Once we have this information from you we will then make a determination as to whether you have a viable claim that is ripe for the courts, if so we will then with you permission shop your case around to obtain pro bono representation. While there are no guarantees, we will do our best on you behalf. Please forward your case number on the Civil action you filed in the United States District Court.

We look forward to hearing from you soon.

Sincerely,

**UPTOWN PEOPLE'S LAW CENTER**



OFFICE OF THE STATE'S ATTORNEY  
COOK COUNTY, ILLINOIS

ANITA ALVAREZ  
STATE'S ATTORNEY

69 WEST WASHINGTON, SUITE 2030  
CHICAGO, ILLINOIS 60602

August 5, 2010

Via U.S. Mail

John Harper  
N51944  
Pinckneyville Correctional Center  
5835 State Route 154  
P.O. Box 999  
Pinckneyville, Illinois 62274

RE: John Harper v. Velma Lee, et al.,  
Case No. 09 C 878

Dear Mr. Harper:

Please find enclosed Defendant Lyle Ferguson's Answers to Plaintiff's Interrogatories and Defendant's First Set of Interrogatories to Plaintiff. In addition, I found out that Officer Davis no longer works for the Cook County Sheriff's Office. I have forwarded Officer Davis' last known address to the United States Marshal's Office for them to attempt to serve him. ↓

Thank you.

*Lie : untrue statement.*

Sincerely,

ANITA ALVAREZ  
STATE'S ATTORNEY OF COOK COUNTY

  
\_\_\_\_\_  
Kevin Frey  
Assistant State's Attorney  
69 West Washington, Suite 2030  
Chicago, Illinois 60602  
(312) 603-1440

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JOHN HARPER, )  
Plaintiff, ) No. 09 CV 0878  
v. ) Judge William Hibbler  
DAVIS, *et al.*, )  
Defendants. )

**DEFENDANT'S ANSWER TO PLAINTIFF'S INTERROGATORIES**

NOW COMES the Defendant, VELMA LEE, through his attorney ANITA ALVAREZ, Cook County State's attorney, through her Assistant, Kevin Frey, and answers Plaintiff's Interrogatories as follows:

## **INTERROGATORIES TO DEFENDANT**

Interrogatory No. 1. Are you related to Jauyonta Morris or know her.

**ANSWER:** Objection. This interrogatory is unduly vague as to what "know her" means. Notwithstanding and without waiving said objection, the Defendant is not related, nor does she know who Juoyonta Morris is. Investigation continues. Defendant reserves the right to supplement her answer.

**Interrogatory No. 2.** Are you related to Lyle Fergerson or know Him.

**ANSWER:** Objection. This interrogatory is unduly vague as to what "know him" means. Notwithstanding and without waiving said objection, the Defendant is not related to Lyle Ferguson but knows Lyle Ferguson as he is a Cook County Sheriff's Officer. Investigation continues. Defendant reserves the right to supplement her answer.

**Interrogatory No. 3.** Are you related to Brad Fisher or know Him.

**ANSWER:** Objection. This interrogatory is unduly vague as to what "know him" means. Notwithstanding and without waiving said objection, the Defendant is not related, nor does she know who Brad Fisher is. Investigation continues. Defendant reserves the right to supplement her answer.

**Interrogatory No. 4.** Are you related to Evelyn Clay or know Her.

**ANSWER:** Objection. This interrogatory is unduly vague as to what "know her" means. Notwithstanding and without waiving said objection, the Defendant is not related, nor does she know who Evelyn Clay is. Investigation continues. Defendant reserves the right to supplement her answer.

**Interrogatory No. 5.** What is Jauyonta Morris mother name.

**ANSWER:** The Defendant does not know who Jauyonta Morris is, nor does she know the name of Jauyonta Morris' mother. Investigation continues. Defendant reserves the right to supplement her answer.

**Interrogatory No. 6.** Jane Doe is she Jauyonta Morris, mother, sister, auntie, cousin, or friend.

**ANSWER:** Objection. This interrogatory is vague as to "Jane Doe" because the Plaintiff does not give an identity as to Jane Doe. Notwithstanding and without waiving said objection, the Defendant does not know who Jauyonta Morris is, thus she does not know if Jane Doe is the "mother, sister, auntie, cousin or friend" of Jauyonta Morris. Investigation continues. Defendant reserves the right to supplement her answer.

**Interrogatory No. 7.** Are you related to Howard Davis or know Him.

**ANSWER:** Objection. This interrogatory is unduly vague as to what "know him" means. Notwithstanding and without waiving said objection, the Defendant is not related, nor

does she know who Howard Davis is. Investigation continues. Defendant reserves the right to supplement her answer.

**Interrogatory No. 8.** Did you know Howard Davis before you work that Cook

County Jail.

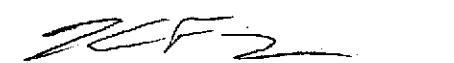
**ANSWER:** The Defendant does not know who Howard Davis is, thus Defendant did not know Howard Davis prior to Defendant working at the Cook County Jail. Investigation continues. Defendant reserves the right to supplement her answer.

Dated: August 3, 2010

Respectfully Submitted,

ANITA ALVAREZ  
State's Attorney of Cook County

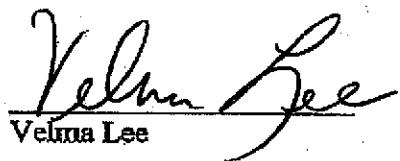
By:



Kevin Frey  
Assistant State's Attorney  
69 W. Washington, Suite 2030  
Chicago, Illinois 60602  
(312) 603 - 1440

CERTIFICATION

Velma Lee being first duly sworn on oath, deposes and states that she is a defendant in the above-captioned matter, that she has read the foregoing document, and declares under penalty of perjury the answers made herein are true, correct and complete to the best of her knowledge and belief.

  
Velma Lee

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JOHN HARPER, )  
Plaintiff, ) No. 09 CV 0878  
v. ) Judge William Hibbler  
DAVIS, et al., )  
Defendants. )

**DEFENDANT'S ANSWER TO PLAINTIFF'S INTERROGATORIES**

NOW COMES the Defendant, LYLE FERGUSON, through his attorney ANITA ALVAREZ, Cook County State's attorney, through her Assistant, Kevin Frey, and answers Plaintiff's Interrogatories as follows:

## **INTERROGATORIES TO DEFENDANT**

**Interrogatory No. 1.** Are you related to Jauyonta Morris or know her.

**ANSWER:** Objection. This interrogatory is unduly vague as to what "know her" means. Notwithstanding and without waiving said objection, the Defendant is not related, nor does he know who Juoyonta Morris is. Investigation continues. Defendant reserves the right to supplement his answer.

**Interrogatory No. 2.** Are you related to Velma Lee or know her.

**ANSWER:** Objection. This interrogatory is unduly vague as to what "know her" means. Notwithstanding and without waiving said objection, the Defendant is not related, nor does he know who Velma Lee is. Investigation continues. Defendant reserves the right to supplement his answer.

**Interrogatory No. 3.** Are you related to Evelyn Clay or know her?

**ANSWER:** Objection. This interrogatory is unduly vague as to what "know her" means. Notwithstanding and without waiving said objection, the Defendant is not related, nor does he know who Evelyn Clay is. Investigation continues. Defendant reserves the right to supplement his answer.

**Interrogatory No. 4.** Are you related to Brad Fisher or know Him.

**ANSWER:** Objection. This interrogatory is unduly vague as to what "know him" means. Notwithstanding and without waiving said objection, the Defendant is not related, nor does he know who Brad Fisher is. Investigation continues. Defendant reserves the right to supplement his answer.

**Interrogatory No. 5.** What is Jauyonta Morris mother name.

**ANSWER:** The Defendant does not know who Jauyonta Morris is, nor does he know the name of Jauyonta Morris' mother. Investigation continues. Defendant reserves the right to supplement his answer.

**Interrogatory No. 6.** You assaults me on Stone island with two Guys the two Guy are related to you, I see both befor the night the incident between Jauyonta Morris and me, and again in Cook County Jail one in Division- 9 and other Guy in Division- 1 Chaplin service Him was a Guess and stood next to me, visiter list in Division- 1 I wont log book for outside visiter from January to July 2007 for Chaplin service 3-11 shift.

**ANSWER:** Objection. This interrogatory is unduly vague and ambiguous because it is just a statement and not a question.

Dated: August 5, 2010

Respectfully Submitted,

ANITA ALVAREZ  
State's Attorney of Cook County

By: 

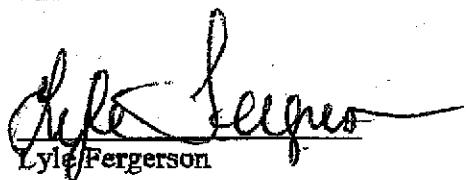
Kevin Frey  
Assistant State's Attorney  
69 W. Washington, Suite 2030  
Chicago, Illinois 60602  
(312) 603 - 1440

08/03/2008 09:10 FAX 312 803 9816

005

CERTIFICATION

Lyle Fergerson being first duly sworn on oath, deposes and states that he is a defendant in the above-captioned matter, that he has read the foregoing document, and declares under penalty of perjury the answers made herein are true, correct and complete to the best of his knowledge and belief.



A handwritten signature in black ink, appearing to read "Lyle Fergerson".

Lyle Fergerson

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JOHN HARPER, )  
Plaintiff, ) No. 09 CV 0878  
v. ) Judge William Hibbler  
DAVIS, *et al.*, )  
Defendants. )

**DEFENDANTS' ANSWERS TO PLAINTIFF'S SECOND REQUEST**

## **FOR PRODUCTION**

NOW COMES the Defendants, Lyle Ferguson, Velma Lee, and Thomas Snooks, by and through their attorney ANITA ALVAREZ, Cook County State's Attorney, through her Assistant, Kevin Frey, and answers Plaintiff's Request for Production as follows:

## **REQUESTS TO DEFENDANTS**

Request No. 1. I want photograph and name of every detainees in Kankakee County Jail from 9-1-20-2006 to 12-1-30-2006 on the same wing max-D-3 I was on, John Harper No. 227779 3050 Justice Way Kankakee, IL 60901.

**ANSWER:** Objection. This request is overly broad as it requires information that is not relevant to Plaintiff's Complaint. This request is also burdensome and oppressive as it would require undue effort for the Defendants to try and locate all such information as requested in this interrogatory. The Defendants are employees of the Cook County Sheriff's Office which operates the Cook County Department of Corrections. The Kankakee County Jail is not in Cook County and the Cook County Sheriff's Office does not operate it or have access to its records.

Request No. 2. Woman is related to Jane Doe, Jauyonta Morris, Brand Fish, try to have me beaten up in Kankakee County Jail. I want photograph and name of every African American female working from 9-1-30-2006 to 12-1-30-2006 in Kankakee County Jail.

**ANSWER:** Objection. This request is overly broad as it requires information that is not relevant to Plaintiff's Complaint. This request is also burdensome and oppressive as it would require undue effort for the Defendants to try and locate all such information as requested in this interrogatory. The Defendants are employees of the Cook County Sheriff's Office which operates the Cook County Department of Corrections. The Kankakee County Jail is not in Cook County and the Cook County Sheriff's Office does not operate it or have access to its records.

Request No. 3. I want photograph and name of detainees from 4-1-30-2006 to 5-25-2006 Cook County Jail, wing 1-F.

**ANSWER:** Objection. This request is overly broad as it requires information that is not relevant to Plaintiff's Complaint. Plaintiff has alleged to be the victim of excessive force in August and September of 2006. This request is burdensome and oppressive as it would require undue effort and expense for this Defendant to try and locate all such information as requested in this request.

Request No. 4. I want photograph and name of detainees from 2005 Sep 2 to 2,13,2006 Cook County Jail, Wing 1-E First wing I was on.

**ANSWER:** Objection. This request is overly broad as it requires information that is not relevant to Plaintiff's Complaint. Plaintiff has alleged to be the victim of excessive force in August and September of 2006 which is outside the scope of this request. This request is burdensome and oppressive as it would require undue effort and expense for this Defendant to try and locate all such information as requested in this request.

Request No.5. I want photograph and name of Detainees where incident happen

2-A & 2-B interlock Cook County Jail from 6-1-30-2006 to 7-13-2006 I have declaration saying your officer are lie about place of incident, if they are lie about place of incident what else are officer lie about, officer Frankenfield and David said I forced myself out the door behind c/o said I then began yelling at c/o, c/o directed me to stand down and go in the day room and I lunged toward c/o "enver happen" c/o Frankenfield-8533 aks me to come talk to him, as we were talking officer Davis said ture around when I ture around punch in the and knock me out after, I was knocked out I was handcuffed and Davis continued to strike me in my face and the back of my head, I was handcuffed taken to the elebator officer Frankenfield and a white officer tolled officer Frankenfield to hit me, he did not hit me because I enver lunged it him or know one state stand down, who in they right mind would forced them self out the door, where Cook County Sheriff has a history (1) study of past events, (2) an established record beating detainee I was put in holding a couple hour take to Cermak Medical, incident report injuries, hospitalization, yes I have witness to incident 12 people, head and face swollen some badly I could bearly pick my head up paint shooting through face and head, I could not open my mouth for 2 weeks to a month I could not eat, top roll of teeth loosed, bottom foll of teeth loosed, to this day I have no teeth Dentist said I have a gum disease, He want say name of disease I know is call punch out, I got x ray and ice pack's and pill for head-ache, I was left in cell no medical treatment face and head swollen some badly, I could not recognize John Harper, the incident report said not injuries that a joke.

**ANSWER:** Objection. This request is overly broad as it requires information that is not relevant to Plaintiff's Complaint. Plaintiff has alleged to be the victim of excessive force in August and September of 2006 which is outside the scope of this request. This request is

burdensome and oppressive as it would require undue effort and expense for this Defendant to try and locate all such information as requested in this request.

Request No. 6. Superintendant Thomas Snooks the Suprintendant knew of his officer violation of my constitutional right and failed to do anything to fix the situation.

**ANSWER:** Objection. This request is ambiguous and unduly vague because it states an allegation and makes no request for documentation.

Request No. 7. The superintendant created a policy of custom "habitual": "commonly practicing" or "observed": see, watch, or notice allowing or encouraging the illegal act of beating detainees.

**ANSWER:** Objection. This request is ambiguous and unduly vague because it states an allegation and makes no request for documentation.

Request No. 8. Deliberate indifference.  
Superintendant Thomas Snook knew Jauyonta Morris family work in Division-9 Jauyonta Morris walke up on John Harper in a alley on the East side of Chicago, wow I was urinate and got puch, I have been fighting her whole family for a year before the enver robbery happen. Jauyonta Morris was a witness the my criminal trail, A robbery enver happen, I was sat up by Cook County Sheriff and C.P.D, went I did not take cop-out Judge Evelyn Clay, Public Defender, State Attorney all conspire against me that trial,. The word conspire: secretly plan an an unlawful act.

The pick you sent was open, open, mail tain.

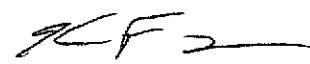
**ANSWER:** Objection. This request is ambiguous and unduly vague because it states an allegation and makes no request for documentation.

Dated: August 3, 2010

Respectfully Submitted,

ANITA ALVAREZ  
State's Attorney of Cook County

By:

  
\_\_\_\_\_  
Kevin Frey  
Assistant State's Attorney  
69 W. Washington, Suite 2030  
Chicago, Illinois 60602  
(312) 603 - 1440

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**DEFENDANTS' ANSWER TO PLAINTIFF'S FIRST REQUEST FOR DISCOVERY**

NOW COMES the Defendants, Lyle Ferguson, Velma Lee, and Thomas Snooks, by and through their attorney ANITA ALVAREZ, Cook County State's Attorney, through her Assistant, Kevin Frey, and answers Plaintiff's Request for Discovery as follows:

## **REQUESTS TO DEFENDANTS**

Request No. 1. I need Jane Doe name and Stars number you answer the answer for Jane Doe that mean you have her Her name and number. Jane Doe is related to Velma Lee, Lyle Fergerson, Jauyonta Morris, Brad Fisher, Evelyn Clay, I believe Jane Do is Jauyonta Morris Mother. Jauyonta Morr was a witness that my criminal trail, Jane Doe live East side Chicago on Meral Street, if you can not find Jane Doe, I want photograph every female officer work Division- 9 from Sept. 21, 2006 – July 13, 2007 7-3 shift.

**ANSWER:** Objection. These requests are brought pursuant to Illinois Supreme Court Rule 213(j) which states "The Supreme Court, by administrative order, may approve standard forms of interrogatories for different classes of case." This rule does not address requests made by a party for discoverable material. Moreover, the Defendants maintain that Illinois Supreme Court Rule 213 is not applicable in the present case because this is a federal action in the .

Northern District of Illinois, not an action filed in state court. In addition, the Defendants did not answer for Jane Doe. This request is also burdensome and oppressive as it will cause undue effort and expense for the Defendants to produce such documentation for such a large time frame.

**Request No. 2.** I would like to examination by an outside Doctor under Rule 35.

**ANSWER:** Objection. These requests are brought pursuant to Illinois Supreme Court Rule 213(j) which states "The Supreme Court, by administrative order, may approve standard forms of interrogatories for different classes of case." This rule does not address requests made by a party for discoverable material. Moreover, the Defendants maintain that Illinois Supreme Court Rule 213 is not applicable in the present case because this is a federal action in the Northern District of Illinois, not an action filed in state court. Notwithstanding and without waiving said objections, Defendants maintain that pursuant to Federal Rule of Civil Procedure 35, the Plaintiff must make a motion to the court requesting a mental or physical examination by outside doctor.

**Request No. 3.** I want photograph of interlock or Hallway 3E – 3F – 2-A – 2-B were incident happened and measure.

**ANSWER:** Objection. These requests are brought pursuant to Illinois Supreme Court Rule 213(j) which states "The Supreme Court, by administrative order, may approve standard forms of interrogatories for different classes of case." This rule does not address requests made by a party for discoverable material. Moreover, the Defendants maintain that Illinois Supreme Court Rule 213 is not applicable in the present case because this is a federal action in the Northern District of Illinois, not an action filed in state court. Notwithstanding and without

waiving said objections, investigation continues. Defendants reserve the right to supplement their answers.

**Request No. 4.** The Guy in Division-1 That Chaplin service one of the Guy who beat me up on the street Him was a Guess and stood next to me. I want log book for outside visitors in Division- 1 January to July 13, He or both Guy are related to Jane Doe, Jauyonta Morris, Brad Fisher, Velma Lee, Lyle Fergerson, Evelyn Clay, I going want to show the court these people related conspiracy against John Harper.

**ANSWER:** Objection. These requests are brought pursuant to Illinois Supreme Court Rule 213(j) which states "The Supreme Court, by administrative order, may approve standard forms of interrogatories for different classes of case." This rule does not address requests made by a party for discoverable material. Moreover, the Defendants maintain that Illinois Supreme Court Rule 213 is not applicable in the present case because this is a federal action in the Northern District of Illinois, not an action filed in state court. This request is ambiguous and unduly vague because there is no year given for the time frame. This request is burdensome and oppressive as it will cause undue effort and expense for the Defendants to produce such documentation for such a large time frame. Notwithstanding and without waiving said objections, the Defendants are willing to produce copies of log books if the Plaintiff narrows down the time frame.

Dated: July 6, 2010

Respectfully Submitted,

ANITA ALVAREZ  
State's Attorney of Cook County

By: /s/Kevin Frey  
Kevin Frey  
Assistant State's Attorney  
69 W. Washington, Suite 2030  
Chicago, Illinois 60602  
(312) 603 - 1440

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JOHN HARPER, )  
Plaintiff, ) No. 09 CV 0878  
v. ) Judge William Hibbler  
DAVIS, et al., )  
Defendants. )

**DEFENDANT THOMAS SNOOKS' ANSWER TO PLAINTIFF'S INTERROGATORIES**

NOW COMES the Defendant, THOMAS SNOOKS, through his attorney ANITA ALVAREZ, Cook County State's attorney, through her Assistant, Kevin Frey, and answers Plaintiff's Interrogatories as follows:

## **INTERROGATORIES TO DEFENDANT**

**Interrogatory No. 1.** Jauyonta Morris was a witness at my criminal trial.

Jauyonta Morris and I had a very serious incident on East side of Chicago, she walk up on me in a alley and got punch in the face. Her related work in Division- 9 Velma Lee, Lyle Fergerson, Jane Doe, I believe Jane Doe is Jauyonta Mother who live East side 83 Meral Her relatis work work in Division- 9 co work harass, and threaten and beaten me, the whole time I was there 631 day. You in danger my lift, you left me around her realtis and c.o.work

**ANSWER:** Objection. This interrogatory is unduly vague and ambiguous because it is just a statement and not a question.

Dated: July 6, 2010

Respectfully Submitted,

ANITA ALVAREZ  
State's Attorney of Cook County

By: /s/Kevin Frey

Kevin Frey  
Assistant State's Attorney  
69 W. Washington, Suite 2030  
Chicago, Illinois 60602  
(312) 603 - 1440